In the

Supreme Court of the United States

OCTOBER TERM, 1959

No. 847

DAVID M. TRUBEK, ET AL.,
Appellants

vs.

ABRAHAM S. ULLMAN, *State's Attorney*,
Appellee

ON APPEAL FROM THE SUPREME COURT
OF ERRORS OF CONNECTICUT

JURISDICTIONAL STATEMENT

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Whether the criminal accessory statute of Connecticut and the statute making it a criminal offense to use "any drug, medical article or instrument for the purpose of preventing conception" are contrary to the Fourteenth Amendment because:

1. They invade the privacy of spouses.
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JURISDICTIONAL STATEMENT

Appellants David M. and Louise G. Trubek appeal from the judgment of the Supreme Court of Errors of Connecticut entered on November 1, 1960, dismissing their appeal from the Superior Court of New Haven and affirming the judgment of said Superior Court which had sustained appellee's demurrer to appellants' action and dismissed appellants' complaint. Appellants submit this statement to demonstrate that the Supreme Court of the United States has jurisdiction of this appeal and that substantial federal questions are presented.

OPINION BELOW

The opinion of the Supreme Court of Errors of Connecticut rendered November 1, 1960, is reported in 147 Conn. 633 and is set forth in the Appendix to this Statement.

JURISDICTION

These appellants filed their writ and complaint in the Superior Court of New Haven County, Connecticut on May 20, 1959, pursuant to Section 52-29, General Statutes of Connecticut, Revision of 1958. The complaint sought a declaratory judgment that Section 54-196 and 53-32 of the General Statutes of Connecticut, Revision of 1958, are unconstitutional on their face or as applied to them.

Appellee Ullman filed a demurrer to the said complaint which was sustained by the Superior Court of New Haven County, Connecticut, in a memorandum decision filed February 18, 1960. Thereafter, a motion for judgment after demurrer dismissing the action was sustained by said court in a ruling entered [redacted] 25, 1960.

Appellants thereupon filed their appeal to the Supreme Court of Errors of Connecticut on March 26, 1960. Thereafter, on November 1, 1960, the Supreme Court of Errors of Connecticut affirmed the judgment of the Superior Court.

Notice of appeal to the Supreme Court of the United States was filed with the Supreme Court of Errors of Connecticut on January 27, 1961.

This cause presents a justiciable issue. The conditions which establish the propriety of the declaratory procedure were recently set forth by this Court in *Ivers* vs. *Dwyer*, 358 U.S. 202. This case meets the test in every particular. Both appellants have standing to sue since their vital interests are involved. Their lib-

erty, their privacy and the health of appellant Louise G. Trubek are involved.

There is a real and substantial controversy presented. Appellants require and seek medical advice and treatment with respect to contraceptive devices and their use which they intend to employ to plan their family. They are unable to obtain such advice and treatment by their physician or to use such devices for the sole reason that appellee claims that both the giving of such advice and treatment and the use of such devices are offenses under Sections 53-32 and 54-196 General Statutes of Connecticut, Revision of 1958, and that he will prosecute (as indeed he has heretofore prosecuted in *State* vs. *Nelson*, 126 Conn. 412) any violation of said statutes. Appellants claim and appellee denies that the said statutes, on their face and as applied to them, violate the Fourteenth Amendment to the Constitution of the United States. Each question was raised and passed upon by the state court.

The questions raised here are not hypothetical nor are they contingent. What these appellants desire and propose to do in order to protect their health and marital happiness is not speculative. It is definite and is clearly in violation of the challenged statutes. Nor is the threat to them vague or conditional. It is actual, specific and immediate — not fanciful, general or remote. The appellee has previously prosecuted such violations and declares that he will prosecute further violations. "Definite rights" appear on the one side and "definite prejudicial interferences" on the other. Appellants do not seek an advisory opinion. As to them, the controversy is all too real. Certainly the facts alleged and admitted "show that there is a substantial controversy between the parties having adverse legal interests of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Evers* vs. *Dwyer*, *supra* at 203, quoting from *Maryland Casualty Co.* vs. *Pacific Coal and Oil Co.*, 312 U.S. 270, 273.

Both appellants are entitled to have these important constitutional questions settled insofar as their claimed rights are concerned and one of the purposes of the declaratory judgment procedure is to afford a method for such determination without subjecting them to the risk of fine or imprisonment or both. Borchard, *Challenging Penal Statutes by Declaratory Actions*, 52 *Yale L.J.* 445.

The jurisdiction of the Supreme Court of the United States to review the judgment of the Supreme Court of Errors of Connecticut on appeal is conferred by Title 28, United States Code, Section 1257 (2). The following decisions sustain the jurisdiction of the Supreme Court to review the judgments on appeal in this case. *Nashville C. & St. L. R. Co.* vs. *Wallace*, 288 U.S. 249; *Evers* vs. *Dwyer*, *supra* at 202; *Butler* vs *Michigan*, 352 U.S. 380

QUESTIONS PRESENTED

Whether Section 54-196, the general accessory statute and Section 53-32 of the General Statutes of Connecticut, Revision of 1958 which makes it a criminal offense for any person to "use any drug, medicinal article or instrument for the purpose of preventing conception" are unconstitutional on their face or as applied to these appellants in that said statutes deprive them of liberty without due process of law contrary to the Fourteenth Amendment of the Constitution of the United States.

STATUTES INVOLVED

The statutes involved in this case are Section 53-32, General Statutes of Connecticut, Revision of 1958 and Section 54-196 thereof.

Section 53-32, General Statutes of Connecticut, Revision of 1958:

> "Use of drugs or instruments to prevent conception. Any person who uses any drug, medicinal article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or both fined and imprisoned."

Section 54-196, General Statutes of Connecticut, Revision of 1958:

> "Accessories. Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."

STATEMENT OF THE CASE

Apellants are husband and wife who live in the town of New Haven and have done so since their marriage on June 1, 1958, at which time both were students at Yale University School of Law. Mrs. Trubek graduated from the Law School in June, 1960. Mr. Trubek will graduate in June, 1961. Both appellants expect to continue to live in New Haven after Mr. Trubek's graduation inasmuch as he has accepted an appointment as law clerk to a federal judge living in New Haven.

In March 1959 appellants consulted, as a physician, Dr. C. Lee Buxton, who is, and then was, Professor and Chairman of the Department of Obstetrics and Gynecology at the Yale University School of Medicine and of the Obstetrics Service of Grace-New Haven Community Hospital. Appellants consulted said physician to obtain information and medical service as to the best and safest methods for the prevention of conception.

Appellants sought and desired to obtain and use information and advice as to the best methods and articles to prevent conception for several reasons. Although they believe that they have a social and moral responsibility, as well as a strong personal desire to rear a family, they first wish for an opportunity to adjust themselves spiritually and physically to each other in order to establish and secure a stable marriage before they become parents. Moreover they desire to postpone the birth of children until they are economically prepared to give them reasonable opportunities to develop into useful citizens. They also desire to safeguard the

health of Mrs. Trubek and to insure that she does not exhaust her physical and emotional strength through successive and frequent pregnancies. Both appellants believe that they have a moral responsibility to limit the number of their children in order to give them the highest individual care, attention and training.

Appellants know that Dr. Buxton has expert knowledge of drugs, medicinal articles and instruments which can be used by them safely and effectively to prevent conception.

Appellants have been unable to obtain the advice and medical care desired from Dr. Buxton for the sole reason that the appellee, State's Attorney, claims that the giving of such advice and prescription and care and the use of any instrument or article to prevent conception is prohibited by Section 53-32 and Section 54-196 of the General Statutes of Connecticut, Revision of 1958 and that he will prosecute any violation of such statutes.

Appellants claim that the said statutes are unconstitutional on their face and as applied to them and that they are deprived of constitutional rights under the Fourteenth Amendment to the Constitution of the United States and in their complaint they asked the State Court so to declare. Appellee demurred to the complaint, thereby admitting all of the aforesaid facts as alleged in appellants' complaint. The demurrer was sustained. After final judgment for appellee dismissing the action and affirmance by the Supreme Court of Errors of Connecticut, appellants appeal to this Court and pray that the judgment of the Connecticut courts be reversed and that the statutes in question be declared unconstitutional.

The Questions Are Substantial

Questions raised by these appeals involve the right of young people to regulate the size of their families in the light of their means, the health of mother and children and to express their mutual love through marital intercourse. They involve the issue

whether laws which invade, limit and regulate these private interests of appellants can be regarded as a reasonable exercise of governmental power. It is urged that they violate the Fourteenth Amendment to the Constitution of the United States.

POINT I

These laws mercilessly invade the privacy of these appellants and are a colossal irrelevancy to any proper concern of the legislature of the State of Connecticut. When the long arm of the law reaches into the bedroom and regulates the most sacred relations between a man and his wife, it is going too far. There must be a limit to the extent to which the moral scruples of a substantial minority or, for that matter, of a majority, can be enacted into laws which regulate the private sex life of all married people.

> "The freedom asserted by these appellees does not bring them into collision with rights asserted by any other individual. It is such conflicts which most frequently require intervention of the State to determine where the rights of one end and those of another begin. But the refusal of those persons to participate in the ceremony does not interfere with or deny rights of others to do so.
>
> . . . The sole conflict is between authority and rights of the individual." Mr. Justice JACKSON in *Board of Education* vs. *Barnette*, 319 U.S. 624, 630. *Cf. Public Utilities Comm.* vs. *Pollak*, 343 U.S. 451.

So, too, in the present dispute, the challenged statutes prohibit practices performed in the privacy of the home which affect no person except the spouses who freely indulge them. Those who do not believe in the use of contraceptives are free to follow their conscience and their beliefs. All that is claimed here is the equal right of those who believe otherwise. These spouses want to be let alone in the bedroom. "The right to be let alone," said Mr. Justice BRANDEIS, "is the most comprehensive of rights and the one

most valued by civilized men." (Dissenting in *Olmstead* vs. *United States*, 277 U.S. 438, 478). The notion that a man's home is his castle goes back several centuries in the history of Anglo-American culture. The King may not breach those walls save by judicial approval. If the legislature may prescribe, censor or regulate marital intercourse, what is there left of the "castle"? These married appellants claim a constitutionally protected right to marital intercourse in the privacy of their homes, by mutual agreement, under medically approved conditions.

For centuries in our law, there has been a "right" to consortium. The common law protects it against invasion by third persons. The question here is, when may the state restrict and limit a "right" prized for centuries so highly and "one most valued by civilized men"? It would seem clear that a justification far more cogent than that inferred from the record in this case is required by the Fourteenth Amendment.

POINT II

It is submitted that the state may not require these appellants to have children against their will, may not ration marital intercourse by limiting it to the so-called "safe period," nor prohibit it altogether by enforced abstinence. But these are appellants' only alternatives under the laws of Connecticut.

Among those inviolable incidents of marriage and the human love on which it is based is the right to express that love through sexual union, and the right to bear and rear a family. No other rights are entitled to greater privacy than that normally bestowed upon the acts of intercourse and procreation. Nonetheless, Connecticut has presumed to assert the power to regulate the conduct of its citizens by notifying them that although the state will tolerate sexual intercourse between spouses, it will not tolerate such intercourse unless they abstain from the practice of regulating the frequency of pregnancy. They must, says Connecticut, forbear

from planning the size of their family regardless of their health, their desires or their means.

Of course the state may impose some restrictions on married couples and it may reasonably regulate the incidents of the marital status. But these appellants do not claim the right to commit bigamy (Cf. *Reynolds* vs. *United States*, 98 U.S. 145) nor adultery. They merely argue that if other spouses are free to have *as many* children as they want, they should be allowed to decide how *few* they shall have. It requires no law *not* to use contraceptives.

POINT III

It is argued that if spouses do not want or should not have childgen they should abstain from intercourse.

Seventeen years ago, Dr. Karl Menninger wrote: "Clinical experience brings us as psychiatrists to the very definite conclusion that while in the lower animals sexual pleasure is primarily a means to an end, in human beings it is not only a means to an end but also a very important end in itself. With a much more elaborate central nervous system and a far more complicated social environment, the human being no longer reacts as animals do in a simple reflex way to the sensory indications of a reproductive opportunity. The impulse for sexual union travels a long complicated path and becomes entwined as Havelock Ellis says, with all the highest and subtlest human emotions and activities. . . . The thwarting of this means the interference with the harmony of human affection which law, religion and social custom are at such pains to nurture." To the objection that there exist fine and healthy people who are celibate, Menninger answers: "Strictly speaking, [it] is true, but in its inference it is untrue and I regard it as intellectually dishonest to continue to use it to foster hypocrisy, false attitudes and neuroses. Solitary confinement is not *physically* harmful either, but it is harmful to the personality in other respects and everyone knows it, and the same is true of com-

plete continence in the adult, male or female. . . . Denied [outlet of sex] the suppressed energies become diffused, distorted, and capable of pathological expression." [1]

"Suppression of the coital urge directed towards his wife is possible for the intelligent considerate husband aware of a good reason why she should not become pregnant. But the urge is still there, and unless, by appropriate and effective taboos, it can be sublimated into a sexual martyrdom of which few Americans, including all colors and creeds, are capable, it will express itself in any one of the innumerable aberrancies of the primate sex function. . . . To demand prolonged continence as the only method of contraception from anyone who is not stoutly bulwarked by the strongest spiritual sanction is to drive that individual to what society has judged criminal, and which, if practiced by any number of those who should prevent pregnancy for shorter or longer periods, for reasons which have been stated, would disrupt our whole moral order." [2]

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[1] Psychiatric Aspects of Contraception, Bulletin of the Menninger Clinic, Vol. 7, p. 36 (1943).

[2] Rock, "The Scientific Case Against Rigid Legal Restrictions on Medical Birth-Control Advice," *Clinics*, April, 1943, pp. 1609, 1610.

In a large number of African societies there is a taboo on sexual relations between the mother and father during pregnancy and the nursing period following birth which, in many instances may be prolonged for several years. But in these societies, polygyny is accepted as a normal way of life. It seems clear that the long period of abstinence by the father from the mother of his child is a mainstay of the system of plural wives as well as a biological basis for the health of the mother. But such a system obviously would collide with the mores and moral values of our society. See, e.g., Simmons, "Sexual Life, Marriage and Birth Among the Efik," *Africa*, Vol. XXX, No. 2, pp. 153, 157 (April, 1960); Fagley, *The Population Explosion and Christian Responsibility*, pp. 87-88 (1960).

Great emphasis is placed, in our culture, on the importance of stable family life. Divorce, broken families, "part-time" parents constitute a serious menace to the social order and to the mental health of the nation. It would appear that any law which jeopardizes family solidarity has a negligible claim to the promotion of the public welfare. Competent scholars point out that freedom of the bedroom is an essential factor in satisfactory marital adjustment.

"Normally sexed individuals, living in the intimate daily contacts of married life, find it very difficult to abstain completely from marital relations. Only people who have an unusually high degree of control over their desires, or what is more generally the case, those who have a very low degree of sexual drive are able to refrain from sexual contact with their mates for long periods of time." Moreover, "prolonged continence in married life is physiologically and psychologically undesirable. When two people who love each other and live together in the close intimacies of marriage attempt to avoid sexual relations, it inevitably gives rise to marked physical stresses and emotional strains, which are very likely to lead to serious physical and sexual disharmonies and marital conflicts. A satisfactory sex life is essential for a satisfactory marital union, and not many marriages can long survive the complete repression of the sexual instinct." [3]

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[3] Stone and Stone, A Marriage Manual, p. 106 (1953).

Stokes, *Modern Pattern for Marriage*, p. 23 (1948): "But in our time through recent advances in the control of conception we have won a new freedom of sexual pleasure in marriage. It is entirely beneficial and desirable that married people of our day may, under medical advice, discard the conception worries of their immediate ancestors and enjoy their most intimate relationship with spontaneous, natural freedom, subject to no concern other than the employment of a simple contraceptive technic that is merely a small addition to the wife's routine of personal hygiene."

Scholten, "The Premarital Examination," *Journal of the American Medical Association*, Vol. 168, Nov. 1, 1958, pp. 1171-7, at p.

POINT IV

These appellants claim a constitutional right to regulate the number and spacing of their children with due regard to the health of the mother and children.

The Guttmacher poll of 3,381 physicians indicated the minimum safe interval, so far as the mother's health was concerned was twenty-three months between children. This was the average. The following table summarizes the results.[4]

Replies to the Question Concerning the Desirable Interval between the Termination of One Pregnancy and the Beginning of the Next after a Viable Birth

Average Interval	Number of Respondents	Per Cent
Any time	6	0.2
1-3 months	129	3.8
4-6 months	295	8.7
7-9 months	197	5.8
10-12 months	885	26.2
13-18 months	714	21.1
19-24 months	699	20.7
25-36 months	111	3.3
37-48 months	5	0.1
49 months and over	1	0.0
Don't know	23	0.7
Not stated	216	9.3
Total	3,281	99.3

1172: "While not all divorces or unhappy marriages arise from a sexual basis, a surprisingly high percentage do have their origin in some disagreement at that level."

[4] Human Fertility, Vol. 12, No. 1 (March, 1947).

POINT V

It may well be true that the most important effects of these laws are (1) with regard to physicians and spouses who have respect for law, and (2) that there can be in Connecticut no public or private clinics. Persons who most need the prohibited procedures may not have access to them.

In Dr. Rainwater's recent book, he recalls the pathetic lament of a thirty-four year old "lower-lower class" woman pregnant with an unwanted fourth child: "I think the amount of children you want is important. I don't think anyone should have more than they really want because they feel kind of hard toward the babies I think, and that's not fair." *And the Poor Get Children*, page 49 (1960).

The point is emphasized by Dr. Karl Menninger:[5]

> "Far more important than the dramatic examples in which the hostility of a mother ruins the life of an unwanted child, are the more general effects of repressed maternal hatred. Where one child reacts to this with an acute mental illness, dozens of children react to it in more subtle ways by developing self-protective barriers against the inner perception of being unwanted. This may show itself in a determined campaign or in a provocative program of attracting attention by offensive behavior and even criminal acts. Still more seriously it may show itself as a constant fear of other people or as a bitter prejudice against individuals or groups through deep-seated, easily evoked hatred for them. The rage of the southern poor white against the Negro suspected of some dereliction is referable to the hate he feels inwardly at having been himself, like the Negro, unwanted. The same is perhaps true in the case of Germans and Jews and in many other situations which give opportunity for the expression of hatred in the denial of the feeling of being rejected. The

[5] Love Against Hate, p. 224 (1942).

importance of this factor in the psychology of war is even greater, in my opinion, than the economic factor arising from the increase of population. This is why I say that from the purely scientific point of view, *planned parenthood is an essential element in any program for increased mental health and for human peace and happiness.* The unwanted child becomes the undesirable citizen, the willing cannonfodder for wars of hate and prejudice. . . ." (Emphasis added)

CONCLUSION

How can the laws involved in this case be held reasonable? They make a mockery of the sanctity of the home. They penalize law-abiding spouses and their doctors. No good whatever can come from them.

Respectfully submitted,

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APPENDIX

Supreme Court of Errors

OCTOBER TERM, 1959

DAVID M. TRUBEK, ET AL.
Appellants

vs.

ABRAHAM S. ULLMAN, *State's Attorney*,
Appellee

Action for a declaratory judgment, determining the constitutionality of legislation forbidding the use and prescription of contraceptive devices, brought to the Superior Court in New Haven County, where a demurrer to the complaint was sustained, *Ryan, J.*, and, the plaintiffs failing to plead further, judgment was rendered in favor of the defendant, from which the plaintiffs appealed. *No error.*

Catherine G. Roraback, for the appellants (plaintiffs).

Raymond J. Cannon, assistant attorney general, with whom, on the brief, was *Albert L. Coles*, attorney general, for the appellee (defendant).

MELLITZ, J. The plaintiffs brought this action for a declaratory judgment to determine the constitutionality of §§ 53-32 and 54-196 of the General Statutes [1] as applied to the facts set forth in the com-

[1] "Sec. 53-32. *Use of drugs or instruments to prevent conception.* Any person who uses any drug, medicinal article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or be both fined and imprisoned."

"Sec. 54-196. *Accessories.* Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."

plaint. A demurrer to the complaint was sustained on a number of grounds, among them, that the rights and jural relations of parties in the situation of the plaintiffs have been conclusively determined in previous decisions, and that the complaint does not set forth any substantial question or issue which has not been previously determined and requires settlement. The plaintiffs not having pleaded over, judgment was rendered in favor of the defendant. The plaintiffs have appealed.

The statutes were recently involved in litigation before us in which their constitutionality was sustained. *Buxton* vs. *Ullman*, and three companion cases, 147 Conn. 48, 156 A.2d 508. In two previous cases, the statutes, considered in the light of other factual situations, were held constitutional. *State* vs. *Nelson*, 126 Conn. 412; 11 A.2d 856; *Tileston* vs. *Ullman*, 129 Conn. 84, 26 A.2d 582. Under the provisions of § 277(b) of the Practice Book, a prerequisite to an action for a declaratory judgment is that there be a substantial question in dispute or an uncertainty of legal relations which requires settlement between the parties. The determination must be made in the light of the particular circumstances involved in each case. *Bania* vs. *New Hartford*, 138 Conn. 172, 175, 83 A.2d 165. If the rights and jural relations of parties in the situation of these plaintiffs have been conclusively determined by previous decisions of this court, the demurrer was properly sustained. *Buxton* vs. *Ullman*, *supra*, 50. Unless, therefore, the complaint recites facts which present a question or issue not determined by the previous decisions, or in relation to which a substantial uncertainty of legal relations remains and requires settlement, no basis for a declaratory judgment has been presented.

The allegations of the complaint are as follows: The plaintiffs are husband and wife and have lived together in New Haven since their marriage in June 1958. Both are law students, Mrs. Trubek being twenty-one years old and her husband twenty-three years old. In March, 1959, they consulted a physician to obtain infor-

mation and medical service as to the best and safest methods for the prevention of conception. They have a desire to raise a family but first with an opportunity to adjust, mentally, spiritually and physically, to each other so as to establish a secure and permanent marriage before they become parents. A pregnancy at this time would mean a disruption of Mrs. Trubek's professional education. When they are economically and otherwise prepared to have children, the plaintiffs desire to have as many "as may be consistent with their resources, so as to insure adequate provision for each and all of them." The plaintiffs believe that they have a moral responsibility to have only as many children as they feel they can provide with the optimum individual care, attention and devotion. The physician consulted by them has refused to give them information and advice on the manner and means of preventing conception on the ground that such action on his part may be claimed by the defendant, the state's attorney, to constitute a violation of §§ 53-32 and 54-196 of the General Statutes.

The claim of the plaintiffs is that they are deprived by those statutes of rights guaranteed by the fourteenth amendment to the federal constitution. The same claim was advanced and considered in *Buxton* vs. *Ullman, supra.* Likewise, the validity of § 53-32 as a proper exercise of the police power was determined in *State* vs. *Nelson*, 126 Conn. 412, 11 A.2d 856. The essential difference between the facts here and those in the earlier cases is that no claim is made here that information relating to the employment of contraceptive measures is essential for the purpose of safeguarding the health of the plaintiff wife. The central point of the factual situations of the other cases was that in the absence of such information, normal marital relations between the husband and the wife were fraught with danger either because a pregnancy would jeopardize the life or health of the wife or because of the likelihood that any children born would be defective. The essential feature of the factual situation here is a con-

cept of the marriage relationship as one in which the plaintiffs are entitled, under the fourteenth amendment to the federal constitution, to be protected from the operation of statutes which prevent them from obtaining from a reputable physician information on proper methods of preventing conception and thereby avoiding the possibility that children will be conceived before the plaintiffs are prepared psychologically or economically for the duties and obligations of parenthood. We find nothing in the concept advanced by the plaintiffs, or in the facts recited in the complaint in connection therewith, which would warrant a conclusion that the rights and jural relations of parties in the situation of the plaintiffs have not been concluded by previous decisions.

There is no error.

In this opinion the other judges concurred.

State of Connecticut

At a Supreme Court of Errors Held at Hartford on the First Tuesday of October, A. D. 1960.

Present, HON. RAYMOND E. BALDWIN, Chief Justice.

HON. JOHN H. KING
HON. JAMES E. MURPHY
HON. SAMUEL MELLITZ
HON. WILLIAM J. SHEA
Associate Judges.

DAVID M. TRUBEK and LOUISE GROSSMAN TRUBEK, of the Town and County of New Haven, State of Connecticut

vs.

ABRAHAM S. ULLMAN, of the Town of Hamden, County of New Haven, State of Connecticut, as he is State's Attorney in and for the County of New Haven.

On Appeal from the Superior Court for New Haven County at New Haven.

JUDGMENT.

This appeal by the plaintiffs claiming error in the process, record and judgment, and in the proceedings and decisions of the Court on questions of law arising in the trial, as may appear in the certified transcript of record and finding of facts, on file in this Court, was allowed by the Superior Court for New Haven County at New Haven, on the 26th day of March, 1960, and came to this Court, at its term held at Hartford, on the first Tuesday in April, A. D. 1960, and thence by continuance to the present term, when the parties appeared and were fully heard.

And now this Court finds that in the record, judgment and proceedings of said Superior Court for New Haven County at New Haven, there is no error.

It is therefore considered and adjudged that said judgment be confirmed and established, and that the .....

.....

appellee recover of the appellants his costs taxed $114.00.

Dated of judgment, November 1, 1960.

By the Court,

EDWARD HORWITZ, Clerk.